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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,791	11/03/2000	Ralf Martin	016906/0206	7498

22428 7590 04/18/2003

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 04/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,791

Applicant(s)

MARTIN ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder, 5841360.

4. Binder discloses an actuating drive(27); an electric circuit operatively connected to the actuating drive, wherein the electrical circuit comprises memory suitable for overwritably storing a subscriber number(14) and on lines 1-60, on column 7; a control section for inputting control commands to the electrical circuit(29); and at least one

electrical cable connecting together the actuating drive, the circuit, and the control section, wherein the circuit is arranged remote from the actuating drive and from the control section (19); two mutually associated connector parts for connecting the circuit to the cable in figure 3; the connector contacts are located in plural planes and the number of connector contacts located in a plane is not substantially the number of planes in figure 3; the memory includes means for storing a subscriber number and a circuit comprising a component for setting the subscriber number on lines 37-48, on column 7; a means for overwriting the subscriber number with a new subscriber number on lines 4-7, on column 7; the first subscriber number is stored in the memory at the time of production this is inherent, there must be something stored in the memory at the time of manufacture; the first subscriber number is supplied via the data bus on lines 10-13, on column 7; the component comprises a number of switches that are manually operable on lines 41-42, on column 7; and where the subscriber number can be set by means of at least one of the connector parts on lines 40-45, on column 7; and said at least one electrical cable includes a positive supply voltage conductor, a negative supply voltage conductor, and a data line(42, 38). Binder does not teach wherein two planes are provided and three connectors are arranged in each plane; and the memory is an EEPROM. It would have been obvious to one of ordinary skill at the time the invention was made to use an EEPROM have the three connectors in each plane because such modification is a design choice. One of ordinary skill knows the advantages of different memory types and the amount of conductors to use is dependant on the needs of the current system.

5. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder, 5841360, in view of Brenner et al., 6225769.

6. Binder discloses the limitations as set forth above. Binder does not disclose a flap in a heating system wherein the flap is operatively linked to the actuating drive and wherein the flap comprises a mixing air flap or defroster flap; and the actuating drive is a stepping motor. Brenner et al. disclose a flap in a heating system wherein the flap is operatively linked to the actuating drive and wherein the flap comprises a mixing air flap or defroster flap on lines 2-7, on column 5; and the actuating drive is a stepping motor on lines 25-29, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to control the motor and flap of Brenner et al. with the control system of Binder because such modification would allow the systems of the motor vehicle of Brenner et al. to be controlled by a intelligent, networked series of intelligent cells as stated on lines 40-45, on column 8 of Binder.

Response to Arguments

7. Applicant's arguments filed 10-2-02 have been fully considered but they are not persuasive. Applicant's arguments are directed to the combination of Rado et al. and Binder. Upon review of the cited prior art, Binder alone has been applied as disclosing the claimed limitations, rendering the previous arguments moot.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Milkner et al., 6078852, discloses method and device for administering wake times.


10. Nolting et al., 5036803, discloses device and method for engine cooling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB
April 10, 2003


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600